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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/591,462

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EXAMINER

BRAHAN, THOMAS J

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/591,462	Applicant(s) SOEDA ET AL.	
	Examiner Thomas J. Brahan	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 01 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 5-7 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim must refer to the other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claims 5-7 have not been further treated on the merits.

2. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.

3. Claims 1-4 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. They appear to be a literal translation into English from a foreign document. For example:

- a. In the last two lines of claim 1, the limitation "in the vicinity of one of margins forming a floor face of the work platform" is not fully understood. How does one margin or plural margins form a floor face? Note that as the term "vicinity" is a relative term, this limitation is broad.
- b. In claim 2, line 6, the term "the upper operating device" lacks antecedent basis within the claims.
- c. In claim 2, line 7, the term "the front-and-back direction" lacks antecedent basis within the claims. Also, which directions are considered as the front and the back of the platform? The claims do not set forth any orientations for the devices.
- d. In claim 4, the limitation "The turning motion of the hoisting device" and "the operating space" lack antecedent basis within the claims. Note that these terms are introduced in claim 3, and that claim 4 depends from claim 1, not claim 3.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirement of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious

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at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

6. Claims 1 and 2, as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Nakamura (JP 2000-327267). Nakamura '267 shows a vehicle for high lift work, comprising:

- a vehicle (crawler running body 1) capable of traveling;
- a lifting and lowering device (outrigger 4FL, 4FR, 4RL or 4RR) disposed on the vehicle (7);
- a work platform (machine frame body 2) which is attached to the lifting and lowering device (4FL, 4FR, 4RL or 4RR) and raised and lowered by the lifting and lowering device (4FL, 4FR, 4RL or 4RR);
- an operating device (the controls at driver's seat 9), provided on the work platform (2), for operating the lifting and lowering device (4FL, 4FR, 4RL or 4RR); and
- a hoisting device (crane 3), provided on the work platform (2), for lifting a heavy load up and down,

wherein the operating device (at 9) and the hoisting device (3) are disposed in the vicinity of one of the margins of a floor face of the work platform (as the term "vicinity" is a relative term).

The work platform (2) is in the form of a rectangle in plan view, and, when an upper face region of the work platform is divided into a right region A1 and a left region A2 by a longitudinal direction axis A which passes through a center O1 of the upper face region and which is parallel with a long side of the work platform, the upper operating device (at 9) and the hoisting device (3) are provided so as to be adjacent to each other in the front-and-back in either the right or left region (the operating unit is fully in the right side and the crane is partially in the right side) and are provided with an operating space therebetween, as recited in claim 2.

7. Claims 1 and 4, as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Nakamura (JP 10-250989). Nakamura '989 shows a vehicle for high lift work, comprising:

- a vehicle (crawler running body 3) capable of traveling;
- a lifting and lowering device (outriggers 12) disposed on the vehicle;
- a work platform (upper body 2) which is attached to the lifting and lowering device (12) and raised and lowered by the lifting and lowering device (12);
- an operating device (operator's station 15), provided on the work platform (2), for operating the

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lifting and lowering device; and

a hoisting device (boom 7), provided on the work platform (2), for lifting a heavy load up and down,

wherein the operating device and the hoisting device are disposed in the vicinity of one of margins forming a floor face of the work platform (as the limitation is best understood; note that the phrase "in the vicinity" is a relative term or phrase).

Nakamura '989 has an operation controller which permits turning motions of the hoisting device only within a predetermined angular range, and the operating device and the operating space for operating the operating device are positioned outside the angular range, see the translation, as recited in claim 4.

8. Claims 1 and 2, as best understood, are rejected under 35 U.S.C. § 102(e) as being anticipated by Bailey. Bailey shows a vehicle for high lift work, comprising:

a vehicle (mobile chassis 12) capable of traveling;

a lifting and lowering device (boom 14) disposed on the vehicle (12);

a work platform (basket 24) which is attached to the lifting and lowering device (14) and raised and lowered by the lifting and lowering device (14);

an operating device (control panel 19), provided on the work platform (24), for operating the lifting and lowering device (14); and

a hoisting device (material handling device 46) provided on the work platform (24), for lifting a heavy load up and down,

wherein the operating device (19) and the hoisting device (46) are disposed in the vicinity of one of the margins of a floor face of the work platform (see figure 4)

When considering claim 2, only one of the two winch devices of Bailey, the winch assembly (48) is considered as the hoisting device. Bailey has the work platform (24) in the form of a rectangle in plan view, and, when an upper face region of the work platform is divided into a right region and left regions along the long side of the work platform with the upper operating device (19) and the hoisting device (48) adjacent to each other in the front-and-back direction (with respect to the front and back drive direction of the vehicle 12, depending upon the slewing angle of the boom 14, all as recited in claim 2.

9. Claims 1 and 2, as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Inokuchi et al. Inokuchi et al shows a vehicle for high lift work having a vehicle (51) capable of traveling, a lifting and lowering device (booms 52-54) disposed on the vehicle (51), a work platform (bucket 55) which is attached to the lifting and lowering device (52-54), an operating device (operation panel 57), a hoisting device (arm 59, arm 60 or the boom shown in figure 11) provided on the work platform (24), for lifting a heavy load (hot line 61 or the load from the boom shown in figure 11) up and

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down, wherein the operating device (57) and the hoisting device (46) are disposed in the vicinity of one of the margins of a floor face of the work platform, as the term vicinity is broad. When considering claim 2, which ever of the two arms (59 or 60) is on the same side as the control for actuating boom (52-54) is the hoisting device in front-and-back relation to the operating device and located on a half portion of the generally rectangular platform.

10. Claims 3 and 4, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakamura '267 in view of Nakamura '989. Nakamura '267 shows the basic claimed crane vehicle including the work platform (2) in form of a rectangle in plan view. It varies from claims 3 and 4 by not having a safety feature limiting the turning motion of the crane boom. Nakamura '989 shows the same basic crane as Nakamura '267 and has an operation control for the crane boom which stops movement of the boom as approaches the vicinity of the operator, see the title of the invention. It would have been obvious to one of ordinary skill at the time the invention was made by applicant to provide the crane vehicle of Nakamura '267 with a control operator to prevent the boom from striking the operator, for safety reasons, as taught by Nakamura '989. The turning motion of the control operator allows boom movement only within a predetermined angular range, and the operating device and the operating space for operating the operating device are positioned outside the angular range, as recited in claim 4.

11. Claims 1 and 2, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hiram et al in view of Markin et al. Hiram et al shows the basic claimed vehicle for high lift work having a vehicle (1), a lifting and lowering device (4), a work platform (5) and a hoisting device (7). It varies from claim 1 by not specifying that the lifting and lowering device is controlled from the work platform (4). Figure 10 of Markin et al shows a similar work platform with an operating device (60a) for controlling its lifting and lowering boom (38). It would have been obvious to one of ordinary skill at the time the invention was made by applicant to provide the work platform (5) of Hiram et al with an operating device for the boom, as to have the operator on the platform controls its positioning, as taught by Markin et al. Markin et al teaches locating the boom control (60a) close to the hoisting device, and on the same platform half, as claim 2 is best understood.

12. Claims 3 and 4, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hiram et al in view of Markin et al, as applied above, and further in view of Nakamura '989. Hiram et al, as modified, shows the basic claimed vehicle for high lift work. It varies from claims 3 and 4 by not having a safety feature limiting the turning motion of the crane boom. Nakamura '989 shows a similar small crane with the operator close to the boom and has an operation control for the crane boom which stops movement of the boom as approaches the vicinity of the operator, see the title of the invention. It would have been obvious to one of ordinary skill at the time the invention was made by applicant to

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provide the hoisting device (7) of Hiram et al with a control operator to prevent the boom from striking the operator, for safety reasons, as taught by Nakamura '989. The turning motion of the control operator allows boom movement only within a predetermined angular range, and the operating device and the operating space for operating the operating device are positioned outside the angular range, as recited in claim 4.

13. Iijima, Okuda et al and Lecas are cited as showing crane controls for limiting the working areas to avoid collisions with obstacles.

14. An inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Brahan whose telephone number is (571) 272-6921. The examiner's supervisor, Mr. John Q. Nguyen, can be reached at (571) 272-6952. The fax number for all patent applications is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions regarding access to the Private PAIR system, should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Thomas J. Brahan/
Primary Examiner, Art Unit 3654